



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Cont.P. (MD)No.1564 of 2018

A.Karthick

... Petitioner / Petitioner

versus

Thiru.A.R.K.Prabu,
Executive Engineer,
PWD/WRO,
Periyar Main Canal Division,
Melur, Madurai District.

... Respondent /4th Respondent

Contempt Petition filed under Section 11 of Contempt of Courts Act, to punish the Respondents for their willful deliberate disobedience of the order passed by this Court dated 18.03.2015 in W.P. (MD)No.84 of 2013.

Prayer in WP(MD). 84/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus and call for the records relating to the Letter NO. 962/E.1/Ko.40/2010 dated 14.07.2010 issued by the 4th respondent and quash the same and consequently direct the respondents to appoint the petitioner as Driver on Compassionate grounds and pass such further or other orders.

For Petitioner	:	Mr.M.Saravanakumar
For Respondents	:	Mr.M.Muthugeethaiyan, Special Government Pleader

ORDER

The petitioner filed a writ petition in W.P.(MD)No.84 of 2013, challenging the impugned order dated 14.07.2010, rejecting the petitioner's claim for compassionate appointment, on the ground that the application was made belatedly after seven years from the date of the death of the petitioner's father. This Court, vide order dated 18.03.2015, set aside the impugned order and remitted the matter back to the authority concerned for fresh consideration. In compliance with the said order, the respondent, vide his letter dated 28.08.2017, rejected the petitioner's application. Aggrieved over the same, the present contempt petition is filed.

2. The learned counsel for the petitioner submitted that earlier, the petitioner's application was rejected by the respondent on the ground that the application was filed beyond the period of three years. That rejection order was set aside by this Court in the writ petition and the matter is remitted back to the respondent for fresh consideration. Even thereafter, the respondent has rejected the request of the petitioner on the very same ground.



3. The learned Special Government Pleader would submit that though this Court set aside the impugned order and remitted the matter for fresh consideration, however, there is no positive direction from this Court for providing compassionate appointment.

In compliance with the same, an order was passed on 28.08.2017 and the same was communicated to the petitioner, vide a letter dated 06.09.2017. If the petitioner is aggrieved by the said order, he can challenge the same in the manner known to law.

4. Since there was no positive direction to give appointment on compassionate grounds, this Court cannot expect the authority concerned to pass orders for compassionate appointment.

5. In view of the above, the contempt petition is closed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

Thiru.A.R.K.Prabu,
Executive Engineer,
PWD/WRO,
Periyar Main Canal Division,
Melur, Madurai District.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-2900[F] dated 02/02/2021)

+1 CC to M/s.GP (SR-2859[F] dated 02/02/2021)

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sgs (CO)

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